

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

WILLIAM POWELL,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO.
)	
THE METROPOLITAN)	
GOVERNMENT OF NASHVILLE)	
AND DAVIDSON COUNTY,)	
DEPARTMENT OF PARKS)	
AND RECREATION,)	
)	
Defendant.)	

COMPLAINT AND DEMAND FOR JURY TRIAL

I. NATURE OF THE CASE

1. This is an action brought by Plaintiff, William Powell (“Powell”), by counsel, against Defendant, The Metropolitan Government of Nashville and Davidson County, Tennessee, Department of Parks and Recreation (“Defendant”) alleging violations of the Age Discrimination in Employment Act (“ADEA”) 29 U.S.C. § 621 *et seq*, and the Americans with Disabilities Act (“ADA”), as amended, 42 U.S.C. § 12101 *et seq*.

II. PARTIES

2. Powell is a resident of Williamson County, Tennessee, who at all relevant times to this action resided within the geographical boundaries of the Middle District of Tennessee.

3. Defendant maintains offices and routinely conducts business in Davidson County, Tennessee, which is located within the geographical boundaries of the Middle District of Tennessee.

III. JURISDICTION AND VENUE

4. Jurisdiction is conferred on this Court over the subject matter of this litigation pursuant to 28 U.S.C. §1331; 28 U.S.C. § 1343; 29 U.S.C. § 626(c); and 42 U.S.C. § 12117.

5. Defendant is an “employer” as that term is defined by 29 U.S.C. § 630 (b) and 42 U.S.C. § 12111(5)(A).

6. Powell is an “employee” as that term is defined by 29 U.S.C. § 630(f) and 42 U.S.C. § 12111(4).

7. Powell is an individual with a “disability” as that term is defined by 42 U.S.C. § 12102(2). Defendant is aware of Powell’s disability and/or regard him as a disabled individual.

8. Powell satisfied his obligation to exhaust his administrative remedies having filed a Charge of Discrimination (Charge No.470-2024-01290) with the U.S. Equal Employment Opportunity Commission (“EEOC”) against Defendant alleging discrimination based on his disability and age. Powell received his Notice of Suit Rights and timely files this action.

9. A substantial part of the events, transactions, and occurrences concerning this case arose in the geographical environs of the Middle District of Tennessee; thus, venue is proper in this court.

IV. FACTUAL ALLEGATIONS

10. Powell, who was born in 1963 and is currently 61 years old, was hired by the Defendant on or about April 4, 1986, as a Seasonal Maintenance Laborer and was subsequently promoted to the position of Maintenance and Repair Supervisor.

11. At all relevant times, Powell met or exceeded Defendant’s legitimate performance expectations.

12. Powell is disabled as that term is defined by the ADA and/or has a record of his disability. Powell was diagnosed with stage 4 liver cancer in 2021. In 2022, Powell suffered a heart attack and later experienced a subsequent heart attack. Despite his medical conditions, Powell was able to perform the essential functions of his position with or without reasonable accommodation. Defendant was aware of Powell's disability.

13. Following his heart attack in 2022, Powell took approximately three months off from work. Since then, for treatment related to his cancer diagnosis, Powell has missed only one day per month.

14. On or about May 12, 2023, Powell interviewed for the District Maintenance and Repair Supervisor position.

15. Then, on or about July 11, 2023, Powell learned that the position had been awarded to his co-worker, Casey Buttrey ("Buttrey"), who is in his 40s.

16. Powell was more experienced and at least as qualified as Buttrey for the promotional opportunity.

17. Following the July 2023 promotion decision, on or about October 10, 2023, Powell complained to Defendant's HR department, raising concerns about disparate treatment between himself and similarly situated, younger, non-disabled employees.

V. CAUSES OF ACTION

COUNT I: VIOLATION OF ADEA – AGE DISCRIMINATION

18. Powell hereby incorporates paragraphs one (1) through seventeen (17) of his Complaint as if the same were set forth at length herein.

19. Defendant discriminated against Powell by denying him promotional opportunities on the basis of his age.

20. Defendant's actions were willful, intentional and done with reckless disregard for Powell's rights as protected by the ADEA.

21. Powell has suffered damages as a result of Defendant's unlawful actions.

COUNT II: VIOLATION OF ADA – DISABILITY DISCRIMINATION

22. Powell hereby incorporates paragraphs one (1) through twenty-one (21) of his Complaint as if the same were set forth at length herein.

23. Defendant discriminated against Powell by denying him promotional opportunities on the basis of his disability.

24. Defendant's actions were willful, intentional and done with reckless disregard for Powell's rights as protected by the ADA.

25. Powell has suffered damages as result of Defendant's unlawful actions.

VI. REQUESTED RELIEF

WHEREFORE, Plaintiff, William Powell, respectfully requests that this court enter judgment in his favor and award him the following relief:

1. Permanently enjoin Defendant from engaging in any employment policy or practice that discriminates against an employee based on their age and disability;

2. Award Plaintiff the promotion or pay and benefits comparable thereto;

3. Award Plaintiff all wages, benefits, compensation, and other monetary loss suffered as a result of Defendant's unlawful actions;

4. Award Plaintiff compensation for any and all other damages suffered as a consequence of Defendant's unlawful actions;

5. Award Plaintiff compensatory damages for Defendant's violation of the ADA;

6. Award Plaintiff punitive damages for Defendant's violations of the ADA;

7. Award Plaintiff liquidated damages for Defendant's violations of the ADEA;
8. Award Plaintiff all costs and attorneys' fees incurred as a result of bringing this action;
9. Award Plaintiff pre- and post-judgment interest on all sums recoverable;
10. Award Plaintiff all other legal and/or equitable relief this Court sees fits to grant.

Respectfully submitted,

BIESECKER DUTKANYCH & MACER, LLC

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DEMAND FOR JURY TRIAL

Plaintiff, William Powell, by counsel, requests a trial by jury on all issues deemed so triable.

Respectfully submitted,

BIESECKER DUTKANYCH & MACER, LLC

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